

C1  
C2  
least one volatile silicone oil, different than the oil phase, wherein said oil phase and said silicone component are self-structured having at least about 20 percent by weight of the composition and at least about 5 times the amount of the emulsifier and the nanogel has a difference in complex viscosity of at least about 10,000 poise under oscillation stress in the range of about 0 to 5,000 (dyne/cm<sup>2</sup>).

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C2  
6. (Amended) A ringing nanogel composition comprising an oil phase, a water phase, a silicone component comprising at least one volatile silicone oil different than the oil phase, and less than about 8 percent by weight of the composition of an emulsifier, wherein said oil phase and said silicone component are having at least about 20 percent by weight of the composition and at least about 5 times the amount of the emulsifier self-structured and has a difference in complex viscosity of at least about 10,000 poise under oscillation stress in the range of about 0 to 5,000 (dyne/cm<sup>2</sup>) and has an initial complex viscosity of greater than about 15,000 poise.

7. (Amended) A method of making a ringing nanogel comprising the steps of combining an oil phase, a water phase, an emulsifier, and a silicone component comprising at least one volatile silicone oil different than the oil phase, to make an oil-in-water emulsion wherein the silicone component and the oil phase are at least about 20 percent by weight of the composition and are at least about 5 times the amount of the emulsifier, and subjecting the oil-in-water emulsion to a high shear/pressure treatment at least two consecutive times.

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Cancel Claims 4 and 14.

#### REMARKS

The Examiner rejects Claims 1 to 11, and 13 to 18 under 35 U.S.C. §112, first paragraph. Specifically, the Examiner finds that the silicone component of the present invention can be an oil, surfactant or both. This finding is based, according to the Examiner on the specification at page 8, lines 9-13 which "enlists the 'silicone components' which include alkyl silicone, siloxane, volatile and nonvolatile silicone oils, organomodified silicones, hydroxylated derivatives of polymersilicones, etc." However, Applicants wish to point out that this reference in the present specification does not describe the silicone component of the present invention. Rather, the present specification provides a description of the silicone component and examples thereof at page 8, paragraph [00023], wherein at this reference, the silicone component is described as comprising at least one volatile silicone oil

which can be the sole oil in the silicone component or combined with other volatile and/or non-volatile silicone oils. However, the present specification clearly sets forth that the silicone component is a silicone oil component as indicated by the presence of at least one volatile silicone oil, and by the further examples of silicone oils provided in this paragraph. The reference made by the Examiner to page 8, lines 9 to 13, is to paragraph [00022] of the present invention wherein a description of the oil phase is presented. The oil phase is a separate and distinct component from the silicone component. Applicants further note that in paragraph [00023] describing the silicone component, it is pointed out that the silicone component is a different oil than that of the oil phase. It is the presence of the silicone component that permits the self-structuring ringed gel of the present invention.

Notwithstanding the reasons set forth above regarding the distinction between the oil phase and the silicone component, Applicants amend the present claims such that the silicone component is clearly not a surfactant or emulsifier as the Examiner has also noted that the scope of the term "silicone component" is unclear. The present claims, as amended, are directed to a volatile silicone oil component indicating that the silicone component comprises a volatile silicone oil different than the oil in the oil phase. In addition, as Applicants have previously mentioned, the specification teaches only that the silicone component comprises at least one volatile silicone oil as well as other silicone oils. The specification does not teach that the silicone component can be an emulsifier. Therefore, Claims 1 to 3, 5 to 11, 13, and 15 to 18 are clear and concise, and Applicants request that the rejection of these claims based on 35 U.S.C. §112, first paragraph be withdrawn.

In the Advisory Action, the amendment to the claims describe above are found to clarify the §112 issue; but to be in need of further search to make a stronger rejection. However, Applicants believe that the claims are, as amended, not a departure from the original set of claims but a clarification of the subject matter of the claims as originally filed. As indicated in previous Claim 4 and Claim 5, the silicone component comprises at least one volatile silicone oil and that volatile silicone is cyclomethicone. The oil phase, however, as described in the specification at page 7, paragraph 22, can include any type of cosmetically acceptable oil, including many oils other than (i.e., different than) the silicone component. Therefore, the basic concept of the silicone component being different than the oil phase, is present and contemplated in the original set of claims, and it is not understood how the present claims as amended are in need of search and consideration to make a stronger rejection.

CONCLUSION

In view of the arguments presented above in the present submission, the claims are believed to be in condition for allowance, and issuance of a Notice of Allowance is respectfully solicited.

Respectfully submitted,

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**MARKED AMENDMENTS**

1. (Amended) An oil-in-water nanogel composition comprising an oil phase having a mean droplet size of less than about 100 nm, an emulsifier, a water phase, and a silicone component comprising at least one volatile silicone oil different than the oil phase, wherein said oil phase and said silicone component are self-structured having at least about 20 percent by weight of the composition and at least about 5 times the amount of the emulsifier and the nanogel has a difference in complex viscosity of at least about 10,000 poise under oscillation stress in the range of about 0 to 5,000 (dyne/cm<sup>2</sup>).

6. (Amended) A ringed nanogel composition comprising an oil phase, a water phase, a silicone component comprising at least one volatile silicone oil different than the oil phase, and less than about 8 percent by weight of the composition of an emulsifier, wherein said oil phase and said silicone component are having at least about 20 percent by weight of the composition and at least about 5 times the amount of the emulsifier self-structured and has a difference in complex viscosity of at least about 10,000 poise under oscillation stress in the range of about 0 to 5,000 (dyne/cm<sup>2</sup>) and has an initial complex viscosity of greater than about 15,000 poise.

7. (Amended) A method of making a ringed nanogel comprising the steps of combining an oil phase, a water phase, an emulsifier, and a silicone component comprising at least one volatile silicone oil different than the oil phase, to make an oil-in-water emulsion wherein the silicone component and the oil phase are at least about 20 percent by weight of the composition and are at least about 5 times the amount of the emulsifier, and subjecting the oil-in-water emulsion to a high shear/pressure treatment at least two consecutive times.